

## **REMARKS**

Claims 1-15 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Information Disclosure Statement:**

The Examiner notes that one of the references listed in the previously submitted IDS was not found. According to Applicants' records, this reference was properly submitted with the IDS filed May 8, 2006. According to the entry in the image file wrapper for this IDS, the submission was damaged by the U.S. Postal Service. Applicants assume that this is why reference A1 was not located by the Examiner. **Applicants assert that the IDS was submitted in complete compliance with the rules.** The fact that the missing reference was lost by the US Postal Service or by the USPTO is not Applicants' fault and does not change the fact that the IDS was properly submitted. **Accordingly, the IDS must be considered.** Another copy of the reference and form PTO-1449 were previously provided for the Examiner's convenience. The Examiner is required to consider the reference and return a signed, dated and initialed copy of the form PTO-1449 indicating that all references have been considered.

### **Supplemental Declaration:**

The Examiner objected to the Declaration in regard to changes on the original Declaration that were not properly initialed and/or dated. Applicants are in the process of obtaining a Supplemental Declaration to address this issue and plan to file the Supplemental Declaration as soon as possible.

### **Section 102(e) Rejection:**

The Examiner rejected claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by Fanshier et al. (U.S. Patent 7,206,817) (hereinafter “Fanshier”). Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 1, contrary to the Examiner’s assertion, Fanshier does not teach assembling files for an application, and compiling them into an application on an administration server, where the administration server is coupled to a central application repository, as recited in claim 1. Examiner cites Fanshier, column 2, lines 32-36 and lines 55-59, as teaching this aspect of Applicants’ claim 1. However, the first cited portion of Fanshier recounts only a deployment tool contacting a master deployer located in the administration server, to indicate to the master deployer the location (path) of an application archive; and, the second cited portion recounts only the deployment tool initiating the distribution of the application to the target servers, and the master deployer of the administration server informing the target slave deployers so that they can download the application. There is no mention of assembling files for an application, and compiling them into an application on the administration server. Moreover, throughout the specification, Fanshier only discloses slave deployers, located at the individual managed servers, pulling the application from an application source, *not assembling* multiple files for the application, and then **compiling** the multiple files **on the administration server**. For example, Fanshier recites “The slave deployer can pull the application from an application source, such as an archive file or application directory [column 2, lines 1-3].” Fanshier states that after a slave deployer has pulled the application into its own managed server, it explodes the archive and attempts to load it [column 2, lines 38-40]. There is no suggestion that files are compiled into an application on the administration server, which is clearly separate from the individual managed servers, as shown in FIG. 1 of Fanshier.

**In the Response to Arguments section of the Final Action**, the Examiner refers to “information about the application, included the source 124 of an application archive

file or directory is provided to a master deployer in an administration server 102 through the use of deployment tool 100.” However, “information about the application” including the source 124 provided to the master deployer in an administration server 102 does not mean that the application is **compiled on the administration sever from multiple files**.

Further in regard to claim 1, contrary to the Examiner’s assertion, Fanshier does not teach storing the application in the central application repository, subsequent to the compilation of the assembled files into the application on the administrative server, as recited in claim 1. **Examiner has failed to address this aspect of Applicants’ claim 1.**

Further in regard to claim 1, contrary to the Examiner’s assertion, Fanshier does not teach after successfully compiling the application on the administration server, deploying the application from the central application repository onto a plurality of servers in a cluster of servers, as recited in claim 1. In fact, Fanshier teaches that the application is pulled from the application source by a target **slave deployer** to a staging area for a target managed server, and that at the staging area, the slave deployer explodes the application in *preparation* for loading [column 2, lines 38-40]. The slave deployer then moves the files from the staging area to the deployment directories [column 2, lines 64-67] in preparation for actual deployment (activation) [column 2, lines 29-31]. Thus, Fanshier teaches the use of a separate **staging area at the target server from which the application is prepared for deployment on that target server**. Moreover, Fanshier reveals that if the application is not to be staged, it may not even reside on the administration server, but rather be deployed directly at the target server from a local directory [column 4, lines 5-8]. Also, there is no teaching of the application having been compiled on the administration server. Therefore Fanshier clearly cannot be said to anticipate Applicants’ claim 1.

**In the Response to Arguments section of the Final Action**, the Examiner merely refers to the same portions of Fanshier and does provide any substantive rebuttal of Applicants’ arguments. There is no mention whatsoever in Fanshier of the application

being deployed from a central repository after successfully compiling the application on the administration server.

In regard to claim 2, contrary to the Examiner's assertion, Fanshier does not teach storing a different version of the application in the central application repository, as recited in claim 2. The Examiner refers to Fanshier at column 6, lines 10-16, and column 8, lines 4-8, as teaching this aspect of Applicants' claim. However, the first cited portion of Fanshier actually describes operations at a particular managed target server, not the central application repository. Fanshier indicates that a particular target server can activate the various applications targeted to it, and that any application which is out of date can be updated by downloading from the administration server. There is no mention of storing a different version of the same application on the central application repository. The second cited portion of Fanshier at column 8, lines 4-8 discloses that it may be necessary for all servers to be using the same software version, and that in some instances, a particular target server may deploy different versions of an application. However, no mention is made of the **same central application repository** storing a different version of the application.

Further in regard to claim 2, contrary to the Examiner's assertion, Fanshier does not teach deploying the different version of the application from the central application repository onto a plurality of servers in the cluster of servers, where the application and the different version of the application simultaneously execute on different servers in the cluster of servers. The Examiner refers to Fanshier at column 6, lines 10-16, and column 8, lines 4-8, as teaching this aspect of Applicants' claim. However, as explained above, Fanshier makes no mention of storing a different version of the application in the central application repository; furthermore, there is no indication of deploying the different version of the application from the central application repository onto a plurality of servers, where the application and the different version of the application simultaneously execute on different servers in the cluster of servers.

Further in regard to claim 2, contrary to the Examiner's assertion, Fanshier does not teach starting an older version of the application on a subset of servers such that the older version and a current version of the application simultaneously execute on different servers in the cluster of servers. The Examiner refers to Fanshier at column 6, lines 10-39 as teaching this aspect of Applicants' claim. However, the cited portion of Fanshier only discusses outages and updates at the target servers. There is no mention at all of starting an older version of the application on a subset of servers such that the older version and a current version of the application simultaneously execute on different servers in the cluster of servers. Accordingly, Fanshier cannot be said to anticipate Applicants' claim 2.

In regard to claim 3, contrary to the Examiner's assertion, Fanshier does not teach the method of claim 1, where the assembling includes assembling the files into a single archive file, as recited in claim 3. The Examiner refers to Fanshier at column 2, lines 32-36, as teaching this aspect of Applicants' claim. However, the cited text makes no mention at all of assembling the files into a single archive file; instead, it recites a deployment tool contacting a master deployer located in the administration server, to indicate to the master deployer the location (path) of an application archive. Elsewhere Fanshier describes exploding an application archive file at the target managed server, but nowhere does he suggest assembling the files for an application into a single archive file. Accordingly, Fanshier cannot be said to anticipate Applicants' claim 3.

In regard to claim 4, contrary to the Examiner's assertion, Fanshier does not teach the method of claim 1, where the files for assembly include a set of source code and related resource files for the application, as recited in claim 4. The Examiner refers to Fanshier at column 3, lines 11-30 as teaching this aspect of Applicants' claim. However, the cited portion of Fanshier only deals with file and directory structures and their related path and extension information, as illustrated in the accompanying TABLE 1. There is no mention of source code and related resource files included in a set of files assembled for compilation on the administration server.

Further in regard to claim 4, contrary to the Examiner's assertion, Fanshier does not teach validating that the compilation of the files into the application on the administrative server has been performed without errors, as recited in claim 4. The Examiner refers to Fanshier at column 2, lines 38-49, as teaching this aspect of Applicants' claim. However, the cited portion of Fanshier describes the slave deployer's pulling a file into a staging directory, exploding it, and loading it. The slave deployer may inform the master deployer about the success of the load, thus verifying the successful loading of an application at the target managed server. This verification of successful loading at a target server in Fanshier is in contrast to validating that compiling source files into an application on the administration server has been performed without errors, as recited in Applicants' claim 4.

Further in regard to claim 4, contrary to the Examiner's assertion, Fanshier does not teach the validating is performed before deploying the application from the central application repository to any of the plurality of servers in the cluster, as recited in claim 4. The Examiner refers to Fanshier at column 2, lines 38-49, as teaching this aspect of Applicants' claim. However, the cited portion of Fanshier does not teach validating that compiling source files into an application on the administration server has been performed without errors, as explained above. Rather, it discloses the slave deployer's pulling a file into a staging directory, exploding it, loading it, and then informing the master deployer about the success of the load. There is no mention of validating that compiling source files into an application on the administration server has been performed without errors, and performed before deploying the application from the central application repository to any of the plurality of servers in the cluster, as recited in claim 4. The verification of Fanshier is only a verification that files exploded at a target managed server have been loaded at the target server. Accordingly, Fanshier cannot be said to anticipate Applicants' claim 4.

In regard to claim 5, contrary to the Examiner's assertion, Fanshier does not teach stopping an instance of the application on a server, as recited in claim 5. The Examiner refers to Fanshier at column 2, lines 38-50 and at column 6, lines 1-28, as teaching this

aspect of Applicants' claim. However, as explained earlier, the first cited portion of Fanshier recounts only the slave deployer's pulling a file into a staging directory, exploding it, loading it, and then informing the master deployer about the success of the load. There is no mention of stopping an instance of the application on a server. The second cited portion of Fanshier outlines deployment and updating of applications during new server startup, as well as redeployments after outages. Again, there is no mention of stopping an instance of the application on a server.

Further in regard to claim 5, contrary to the Examiner's assertion, Fanshier does not teach loading the different version of the application on the server, associating the stopped instance of the application with the different version of the application on the server, and starting the instance of the different version of the application on the server, as recited in claim 5. The Examiner again refers to Fanshier at column 2, lines 38-50 and at column 6, lines 1-28, as teaching these aspects of Applicants' claim. However, neither here nor elsewhere does Fanshier teach stopping an instance of the application on a server, much less loading the different version of the application on the server, associating the stopped instance of the application with the different version of the application on the server, and starting the instance of the different version of the application on the server. Accordingly, Fanshier cannot be said to anticipate Applicants' claim 5.

In regard to claims 6-15, the Examiner states that they substantially parallel the limitations found in claims 1-5, and relies upon the same cited art with reference to those claims. Applicants' arguments presented above apply similarly to claims 6-15.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-68600/RCK.

Respectfully submitted,

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